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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Child Rights Connect, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[1 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Written Statement by Child Rights Connect for the 37th Session of the Human Rights Council: Key Children's Rights Principles to be adopted for the Protection of the Rights of the Child in Humanitarian Situations

Child Rights Connect is the largest international network for child rights. We are an independent, non-profit network made up of more than 80 national, regional and international organisations, networks and coalitions. Our membership covers every country on the planet. Our shared aim is to ensure that all children can fully enjoy their rights, as defined by the Convention on the Rights of the Child (CRC).

In humanitarian situations, **existing threats are exacerbated** (for example, violence and trafficking) and **new threats** can appear (for example, recruitment into armed groups and attacks on education and healthcare). Displacement, separation from family and community, losing a parent or a care giver, losing a home and possessions are all factors that further increase the vulnerabilities of children. At the same time, the protective environment, both in the community and the official child protection services, is weakened by a **lack of safety, security and a dependence on humanitarian assistance.**

To ensure that the rights of all children as set out in the CRC are protected, promoted and fulfilled for children affected by humanitarian situations, a **child rights-based approach** must be implemented during all stages of humanitarian situations (before, during, after and in protracted conflicts) and hence, be:

- **Grounded by the principle of non-discrimination:** The **complex intersectionality** between different statuses of children such as age, gender, gender identity and sexual orientation, ethnicity, religion, social and personal identity, disability, geographical location and socioeconomic status has to be taken into account to help to identify, monitor and respond to the needs of specific groups of children facing additional barriers in accessing their rights,[1] [2] including girls and children with disabilities.

- **Grounded by the principle of the best interests of the child:** The best interests of the child in all stages of a humanitarian situation must not only be in relation to the full enjoyment of all the rights provided for in the CRC, but also with regard to **international humanitarian law and standards** which relate to humanitarian situations.[3] This must include efforts for tracing, family reunification and/or providing appropriate alternative care[4] for all affected children.

- **Ensuring the right of every child to be heard:** A recognition that whilst children require protection in humanitarian situations, they also need to be **empowered to have their voices heard and taken into account** in all decisions directly and indirectly affecting them, in a safe way and across all stages of humanitarian situations. In doing so, care must be taken to protect children from exposure to situations that could be traumatic or harmful.[5] Children must be encouraged, enabled and supported to meaningfully participate in analysing their situation and future prospects: in keeping with their evolving capacity, they can also participate in implementing actions to respond to the humanitarian situation. Meaningful participation should take place before, during and after an emergency to help children to regain control over their lives while contributing to rehabilitation[6] and broader sustainable development and peace.

1 https://www.unicef.org/publications/files/CCC_042010.pdf
2 http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=19997&LangID=E
3 General Comment 13 to the UNCRC; Article 38 to the UNCRC
4 UN Guidelines for the Alternative Care of Children, chapter IX
5 https://www.savethechildren.org.uk/sites/default/files/docs/Children_Participation_Humanitarian_Guidelines.pdf
6 General Comment 12 to the UNCRC

- **Ensuring the right to life, survival and development:** The many risks and protective factors that underlie the survival, growth and development of every child (including the physical, mental, moral, spiritual and social dimensions of their development) affected by humanitarian situations need to be systematically identified in order to design and implement **evidence-informed interventions** that address a wide range of determinants during the life course.[7] These interventions should be linked to the relevant Sustainable Development Goals and integrated into the country's overall development plans.

- **Strong language on monitoring, follow-up and accountability mechanisms:** Specific calls for **strong, robust, inclusive, participatory, impartial, independent and effective** monitoring, follow-up and accountability mechanisms to be in place, which integrate a children's rights perspective. This needs to include disaggregated (for example, by, gender, age, socioeconomic status and marital status) and broader data collection in humanitarian situations, to better address the challenges that specific groups of children face. The **2030 Agenda** should be used to link and reinforce human rights accountability mechanisms at national, regional and international level.

Thematic areas of priority

- **Child protection in humanitarian action:** Ensure that child protection is given the same attention and funding as other areas in humanitarian action. In emergency response, child protection must be included from the start to avoid harm to children that may have long term effect on their lives and development. Prioritise and fully fund violence prevention and protection needs, particularly those that stem from underlying gender norms like sexual and gender-based violence. Ensure that humanitarian and development actors work together to ensure a continuum of protection and services. [8]

  Civil registration and, in particular, **birth registration**, provide substantial information for policy and humanitarian planning and contribute towards enhancing protection for children and the implementation of durable solutions. Therefore, appropriate measures need to be taken to ensure civil registration and make sure that every child is registered immediately after birth without discrimination of any kind.

- **Education for all children in humanitarian action:** More than 75 million children and young people (aged 3-18) are currently out of school in 35 crisis-affected countries. Girls are particularly disadvantaged, being 2.5 times more likely to be out of school than boys in countries affected by conflict. This violates the rights of children and youth, increasing their risk of harm and leaves them exposed to threats of **trafficking, child labour and child marriage.** Fulfilling children's right to be in school and learning, in compliance with the CRC and 2030 Agenda, helps to break the cycle of crises and delivers high economic and social returns. Unfortunately, education is grossly underfunded, receiving less than 2% of humanitarian funding.[9] Ensure that Member States, UN agencies and the international community prioritise, increase and improve the financing for education in emergencies, so that children's right to access quality education is recognised as a critical part of a humanitarian response from day one.[10]

- **Child physical & mental health including psychosocial support:** Children have been frequently shown to be at increased risk of experiencing violations to their right to health in humanitarian contexts such as lack of access to adequate safe food and water and disruptions in health services. This often leads to a deterioration of children's social and/or psychological health[11] and nutritional status. Call for the provision of resources to facilitate age-appropriate and gender-sensitive psychosocial support, protection and fulfilment of their sexual and reproductive health rights, nutrition interventions and other assistance to serve every child's physical, mental, spiritual, moral, and social development, recovery, and reintegration. This must include access not only during humanitarian situations but also in protracted crises and following the end of a humanitarian situation, and reach displaced and refugee children.

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7 General Comment 15 to the UNCRC

8 UNCRC General Comment No. 19; HRC resolution 28/19

9 http://www.educationcannotwait.org/the-situation/

10 http://www.savethechildren.org.uk/resources/online-library/financing-learning-every-last-child

11 http://www.who.int/mental_health/emergencies/guidelines_iasc_mental_health_psychosocial_june_2007.pdf

- **Deprivation of liberty in humanitarian situations:** Deprivation of liberty of children should be used as a measure of last resort under conditions that respect the human rights of each child and in a manner that takes into account, as a primary consideration, the best interests of the child; and used only for the shortest period of time. Children who have alleged associations with armed groups should not be subjected to the same legal and detention procedures as adults due to their vulnerability. States should instead promote the development of alternative tools to the persecution, detention and deprivation of liberty of children whilst taking into consideration the best interests of the child. The detention of a child because of their or their parent's migration status constitutes a child rights violation, always contravenes the principle of the best interests of the child and should cease immediately.[12]

12 UNCRC, Report of the 2012 Day of General Discussion, para.78